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Attorneys for Plaintiff

John D. Mr. Villa, Jr.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

JOHN D. VILLA, JR.,

No.: C 07-01436 WHA

Plaintiff,

VS.

LINDA ROWE, JENNIFER SWINEY, and  
BHAWNA JAIN,

## Defendants.

**DECLARATION OF PHILLIP H. BABICH  
IN SUPPORT OF PETITION FOR WRIT OF  
HABEAS CORPUS AD TESTIFICANDUM**

Date: February 2, 2012  
Time: 8:00 a.m.  
Courtroom: 9

Trial Date: February 21, 2012  
Time: 7:30 a.m.  
Place: Courtroom 8  
Judge: Hon. William Alsup

I, Phillip H. Babich, say:

1. I am an attorney at law and an associate of the law firm of Reed Smith, attorneys for John D. Villa, Jr. in this action. I am admitted to practice in this court as well as all Courts for the State of California. For the reasons stated, I have personal knowledge of the following and can competently testify to the contents of this Declaration if called as a witness.

2. I make this declaration in support of Plaintiff's Petition for Writ of Habeas Corpus Ad  
Testificandum.

3. The statement of facts in the attached Memorandum is true and correct.

4. Attached as Exhibits 1 – 3 are true and correct copies of the summaries of meetings concerning Mr. Villa’s debriefing process as well as the recognition by the Department of Corrections and Rehabilitation as Sensitive Needs prisoner.

5. I met and conferred with counsel for the Warden of San Quentin State Prison on January 20 and 23, 2012, regarding the Petition and our grounds for seeking the conditions specified in the proposed Writ and we could not reach agreement on the terms of the writ.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

DATED: January 26, 2012.

REED SMITH LLP

By /s/ Phillip H. Babich  
Phillip H. Babich (SBN 269577)  
Attorneys for Plaintiff